

### **REMARKS**

Applicant respectfully requests entry and consideration of the above amendments even though presented after a final rejection. Applicant submits that the amendments do not raise new issues or require a new search. Further, entry and consideration of the amendments should place the claims in condition for allowance. The amendments were not presented earlier in the prosecution due to a better understanding of the Examiner's position as reflected in the latest Office Action.

#### **Summary**

Claims 8, 10-13, 16-20 and 22 stand in this application. Claims 1-7, 9, 14-15 and 21 have been canceled without prejudice. Claims 8, 11, 16 and 18 have been amended. No new matter has been added. Favorable reconsideration and allowance of the standing claims are respectfully requested.

Although Applicant disagrees with the broad grounds of rejection set forth in the Office Action, Applicant has amended claims 8, 11, 16 and 18 in order to facilitate prosecution on the merits.

#### **Allowable Claims**

We would like to thank the Examiner for indicating the allowability of claims 9, 15 and 21 if amended to include all of the limitations of the base claims and any intervening claims. Applicant respectfully submits that claims 9, 15 and 21 have been canceled and their subject matter has been incorporated into independent claims 8, 11 and

18 respectively. Consequently, Applicant respectfully submits that claims 8, 11 and 16 and all claimed depending directly or indirectly therefrom are in condition for allowance.

**35 U.S.C. § 102**

At page 2, paragraph 3 of the Office Action claims 8, 10-14 and 16-20 stand rejected under 35 U.S.C. § 102 as being anticipated by United States Patent Number (USPN) 6,571,381 to Vorbach ("Vorbach"). Applicant respectfully traverses the rejection, and requests reconsideration and withdrawal of the anticipation rejection.

As recited above, Applicant respectfully submits that dependent claims 9, 15 and 21 have been canceled and their subject matter has been incorporated into amended independent claims 8, 11 and 18 respectively. Consequently, Applicant respectfully submits that independent claims 8, 11 and 18 define over Vorbach and are in condition for allowance. Withdrawal of the anticipation rejection with respect to claims 8, 11 and 18 and all claims depending directly or indirectly therefrom is therefore respectfully requested.

**35 U.S.C. § 103**

At page 4, paragraph 14 of the Office Action claim 22 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Vorbach. Applicant respectfully traverses the rejection, and requests reconsideration and withdrawal of the obviousness rejection.

Applicant respectfully submits that if an independent claim is non-obvious under 35 U.S.C. § 103, then any claim depending therefrom is non-obvious. *See* MPEP § 2143.03, for example. As recited above, Applicant respectfully submits that Vorbach

fails to teach each and every element recited in amended independent claim 18.

Accordingly, Applicant respectfully submits that claim 22 contains additional features that further distinguish this claim from Vorbach. Consequently, Applicant respectfully submits that claim 22 is non-obvious and patentable over Vorbach at least on the basis of its dependency from claim 18. Applicant, therefore, respectfully requests the removal of the obviousness rejection with respect to this dependent claim.

For at least the reasons given above, claim 22 is non-obvious and represents patentable subject matter in view of the cited reference. Accordingly, removal of the obviousness rejection with respect to claim 22 is respectfully requested. Further, Applicant submits that the above-recited novel features provide new and unexpected results not recognized by the cited reference. Accordingly, Applicant submits that the claims are not anticipated nor rendered obvious in view of the cited reference.

Applicant does not otherwise concede, however, the correctness of the Office Action's rejection with respect to any of the dependent claims discussed above. Accordingly, Applicant hereby reserves the right to make additional arguments as may be necessary to further distinguish the dependent claims from the cited references, taken alone or in combination, based on additional features contained in the dependent claims that were not discussed above. A detailed discussion of these differences is believed to be unnecessary at this time in view of the basic differences in the independent claims pointed out above.

It is believed that claims 8, 10-13, 16-20 and 22 are in allowable form. Accordingly, a timely Notice of Allowance to this effect is earnestly solicited.

Appl. No. 10/728,551  
Response Dated September 29, 2008  
Reply to Office Action of June 27, 2008

Docket No.: 42P16936C  
Examiner: Connolly, Mark A.  
TC/A.U. 2115

The Examiner is invited to contact the undersigned at 724-933-9338 to discuss any matter concerning this application.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. § 1.16 or § 1.17 deposit account 50-4238.

Respectfully submitted,

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John F. Kacvinsky, Reg. No. 40,040  
Under 37 CFR 1.34(a)

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